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10/633,244

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Tejaswi Vishwamitra

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/633,244

Applicant(s)

VISHWAMITRA, TEJASWI

Examiner

Hargobind S Sawhney

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 9 and 18 are objected to under 37 CFR 1.75 as each being a substantial duplicate of Claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claims 10-17 are also objected because of their dependency on the objected base Claim 9.

Claims 19-28 are also objected because of their dependency on the objected base Claim 18.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29, 30, 32 and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Foley et al. (US Patent No.: 3,832,679).

Regarding Claim 29, 30, 32 and 34-36, Foley et al. ('679) discloses an outdoor system (Figure 1) comprising:

- a housing 16- combination of elements 16 and 18 - (Figure 2, column 5, lines 5 and 6); a speaker 92 mounted in the housing 16 (Figure 1, column 6, lines 32 and 33); a lamp 80 mounted in the housing 16 (Figure 1, column 6, lines 15 and 16); and
- an electronic controller 24 coupled to a plurality of light and sound apparatuses (Figure 1, column 5, lines 7-12);
- at least one of the speakers 88 and 92 separately controllable by the electronic controller 24 (Figure 2, column 6, lines 22-29);
- each housing 16 including an electrical terminal (Figure 9, column 6, lines 40-44);
- a base 4 supporting the housing 16 over the surface (Figure 2, column 5, lines 54-62);
- a controller 24 remote – positioned at the lower level reachable for the user - from the housing 16 (Figure 2);
- each housing 16 having the lamp 80 positioned in its upper portion, and a speaker 92 positioned in its lower portion (Figure 2); and
- an acoustic reflector generally cone-shaped mounted on the lower portion of the housing 16 (Figure 2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23, 25, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US Patent No.: 6,345,685 B1) in view of O'Brien et al. (US Patent No.: 4,814,961).

Regarding Claim 1, Wells et al. ('685 B1) discloses an illumination apparatus 10 (Figure 1) comprising:

- a housing 20 (Figure 1, column 4, lines 31 and 32); a speaker 16 mounted in the housing 20 (Figure 1, column 4, line 25 ); a lamp 22 mounted in the housing 20 (Figure 1, column 4, lines 38 and 39).

However, Wells et al. ('685 B1) does not disclose an illumination apparatus including a plurality of outwardly extending fins directing sound and light from the housing.

On the other hand, O'Brien et al. ('961) teaches a lighting fixture (Figure 1, column 3, line 50) comprising a plurality of outwardly extending fins 40 and 42 (Figures 1, 2, 4 A and 4B, column 3, lines 48-58) directing light from the housing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the illumination apparatus of Wells et al. ('685 B1) by providing the

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plurality of fins as taught by O'Brien et al. ('961) for benefit and advantage of adjusting the direction of light, and enhancing the appearance of the illumination apparatus.

Regarding claims 2-8, Wells et al. ('685 B1) in view of O'Brien et al. ('961) discloses the illumination apparatus further including:

- the housing 20 including: the speaker 16 positioned in its lower portion, and the lamp 22 positioned in its upper portion (Wells, Figure 1);
- an acoustic reflector being generally cone-shaped and positioned in the lower portion of the housing 20 (Wells, Figure 1);
- the speaker 16 being positioned above the acoustic reflector (Wells, Figure 1);
- the fins 40 and 42 extending circumferentially about the housing 14 (O'Brien, Figures 1, 2, 4A and 4B);
- a base 15 supporting the housing 20 over a surface (Wells, Figure 1, column 4, lines 21 and 22); the base including electrical terminal (not shown) terminating electrical wires extending from the lamp 22 and speaker elements 26 and 27 (Wells, Figure 1);
- the speaker having a front end, and a rear end positioned within the chamber defined by the housing 20 (Wells, Figure 1);

Regarding claims 9-17, Wells et al. ('685 B1) in view of O'Brien et al. ('961) discloses a sound and light apparatus 10 (Figure 1) meeting the limitations in similar manner as that applied for the rejection of claims 1-8 detailed above.

Regarding claims 18-23 and 26, Wells et al. ('685 B1) in view of O'Brien et al. ('961) discloses a sound and light apparatus 10 (Figure 1) meeting the limitations in similar manner as that applied for the rejection of claims 1-6 and 8 respectively as detailed above.

Regarding Claim 25, Wells et al. ('685 B1) in view of O'Brien et al. ('961) teaches a light and sound apparatus comprising an electrical terminal to one combination of illumination and sound apparatus. However, neither combined nor individual teaching of Wells et al. ('685 B1), O'Brien et al. ('961) teaches an electrical terminal connected to more than one illumination and sound apparatuses.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus by providing more than one sound and light apparatuses taught by Wells et al. ('685 B1) in view of O'Brien et al. ('961) for illumination of large area, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art, and as evidenced in O'Brien et al. ('961) column 3, lines 57-60).

Regarding Claim 28, Wells et al. ('685 B1) in view of O'Brien et al. ('961) discloses a light and sound apparatus comprising a housing 18 including electrical signal connections (not shown, column 4, lines 49-52). However, neither combined nor individual teaching of Wells et al. ('685 B1) and O'Brien et al. ('961) discloses specifically the light and sound apparatus comprising a controller controlling the sound produced by the speaker.

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It would be have been obvious to one of ordinary skill in the art at the time of the invention to realize the need of a controller such as switch for actuating the speaker as well as light in a controlled manner as it is a operational requirement, and well known in the art.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US Patent No.: 6,345,685 B1) in view of O'Brien et al. (US Patent No.: 4,814,961) as applied to claim 23 above, and further in view of Householder (US Patent No.: 4,953,223).

Regarding Claim 24, Wells et al. ('685 B1) in view of O'Brien et al. ('961) teaches a light and sound apparatus including a base with electrical terminal powering the apparatus. However, neither combined nor individual teaching of Wells et al. ('685 B1) and O'Brien et al. ('961) teaches the base with electrical terminal including a transformer.

On the other hand, Householder ('223) teaches a speaker mounted system (Figure 1) including a base 14 including an electrical terminal 70 electrically coupled to a transformer 71 (Figure 1, column 4, lines 52-58).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the illumination apparatus of Wells et al. ('685 B1) in view of O'Brien et al. ('961) by providing the transformer as taught by Householder ('223) for benefit and advantage of maintaining the voltage at a safe operating level for energization of the apparatus.



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7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US Patent No.: 6,345,685 B1) in view of O'Brien et al. (US Patent No.: 4,814,961) as applied to claim 18 above, and further in view of McKenzie et al. (US Patent No.: 4,634,768 B2).

Regarding Claim 27, Wells et al. ('685 B1) in view of O'Brien et al. ('961) teaches a light and sound apparatus including a base with electrical terminal powering the apparatus. However, neither combined nor individual teaching of Wells et al. ('685 B1) and O'Brien et al. ('961) teaches the light and sound apparatus additionally including a remotely located controller coupled to the speakers.

On the other hand, McKenzie et al. ('768 B2) teaches a light and sound apparatus 10 (Figure 1) including a housing 11 supporting a lamp 15; a radio 25 and a television 18 each including speakers; and sensors 17, 20, 24 controlled by a remotely positioned controller 30 (Figure 1, column 3, lines 45-53).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the illumination apparatus of Wells et al. ('685 B1) in view of O'Brien et al. ('961) by providing the remote controller as taught by McKenzie et al. ('768 B2) for benefit and advantage of remotely operating the speaker in the event of hazardous, dangerous, darkness, or other emergency situations.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable Foley et al. (US Patent No.: 3,832,679) in view of Householder (US Patent No.: 4,953,223)

Foley et al. ('679) discloses an outdoor system (Figure 1) with a plurality of illumination apparatuses each comprising:

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- a housing 16- combination of elements 16 and 18 - (Figure 2, column 5, lines 5 and 6) a base 4 supporting the housing 16 over the surface (Figure 2, column 5, lines 54-62).

However, Foley et al. ('679) does not disclose the base having a transformer.

On the other hand, Householder ('223) teaches a speaker mounted system (Figure 1) including a base 14 including an electrical terminal 70 electrically coupled to a transformer 71 (Figure 1, column 4, lines 52-58).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the illumination apparatus of Foley et al. ('679) by providing the transformer as taught by Householder ('223) for benefit and advantage of maintaining the voltage at a safe operating level.

9. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable Foley et al. (US Patent No.: 3,832,679) in view of Eichsteadt (US Patent No.: 6,060,979).

Foley et al. ('679) discloses an outdoor system (Figure 1) with a plurality of illumination apparatuses each comprising a controller 24 remote – positioned at the lower level reachable for the user - from the housing 16 (Figure 2).

However, Foley et al. ('679) does not disclose the electronic controller controlling the volume of the sound produced by the speakers.

On the other hand, Eichsteadt ('979) teaches a call box apparatus 10 (Figure 1) apparatus mounted on a mask 37 of a structure used during emergency (Figure 1). The apparatus including a controller 12 coupled to a logic board 40 with a variable resistor

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56 for controlling the volume of the sound produced by speakers 22 of an audio transceiver unit 14 (Figure 8, column 5, lines 59-63).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the illumination apparatus of Foley et al. ('679) by providing the transformer as taught by Eichsteadt ('979) for benefit and advantage of clear and effective communication during emergency.

10. Claims 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foley et al. (US Patent No.: 3,832,679) in view of O'Brien at al. (US Patent No.: 4,814,961).

Foley et al. ('679) discloses an outdoor system (Figure 1) with a plurality of illumination apparatuses each comprising:

- a housing 16- combination of elements 16 and 18 - (Figure 2, column 5, lines 5 and 6); a speaker 92 mounted in the housing 16 (Figure 1, column 6, lines 32 and 33); a lamp 80 mounted in the housing 16 (Figure 1, column 6, lines 15 and 16); and

However, Foley et al. ('679) does not disclose an illumination apparatus including a plurality of outwardly extending fins directing sound and light from the housing.

On the other hand, O'Brien at al. ('961) teaches a lighting fixture (Figure 1, column 3, line 50) comprising a plurality of outwardly extending fins 40 and 42 (Figures 1, 2, 4 A and 4B, column 3, lines 48-58) directing light from the housing.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the illumination apparatus of Foley et al. ('679) by providing the

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plurality of fins as taught by O'Brien et al. ('961) for benefit and advantage of adjusting the direction of light, and enhancing the appearance of the illumination apparatus.

11. Claims 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foley et al. (US Patent No.: 3,832,679), 814,961).

Foley et al. ('679) discloses an outdoor system (Figure 1) with a plurality of illumination apparatuses each comprising:

- a housing 16- combination of elements 16 and 18 - (Figure 2, column 5, lines 5 and 6); a speaker 92 mounted in the housing 16 (Figure 1, column 6, lines 32 and 33); a lamp 80 mounted in the housing 16 (Figure 1, column 6, lines 15 and 16); and

However, Foley et al. ('679) does not disclose an illumination apparatus including a plurality of lamps responsive to the electronic controller.

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Foley et al. ('679) by providing more than one lamps to increase light flux and intensity, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harwood (U.S. Patent No. 6,769,509 B2), Leen (U.S. Patent No. 6,494,599 B1), Gitelis et al. (U.S. Patent No. 6,087,938 B1), Iacono et al. (U.S. Patent No. 5,628,558) and Toth (U.S. Patent No. 5,068,773)

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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